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PATENT

TECH CENTER 1600/2900 Docket No. 1758-4036US2
Express Mail Label No. EL704521726US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL PURSUANT TO 37 C.F.R. § 1.53(d)**

Named Inventors: C. MINETTI, et al.

Prior Application: 09/120,044
Examiner: S. Devi
Group Art Unit: 1645

COMMISSIONER FOR PATENTS
Box CPA
Washington, D.C. 20231

Sir:

1. This is a request for a [X] Continuation application [] Divisional application under 37 C.F.R. § 1.53(d) of prior application serial no. 09/120,044, filed on July 21, 1998 and entitled MODIFIED IMMUNOGENIC PNEUMOLYSIN COMPOSITIONS AS VACCINES
2. The following are enclosed herewith:

| | |
|---|--|
| <input checked="" type="checkbox"/> Preliminary Amendment | 12/27/2000 AWNDNAF1 00000012 09120044 |
| <input type="checkbox"/> Information Disclosure Statement | 01 FC:131 710.00 OP |
| <input type="checkbox"/> Copies of References Cited in Information Disclosure Statement | 02 FC:102 640.00 OP |
| | 03 FC:103 72.00 OP |
3. Please enter the Amendment/Request For Reconsideration After Final Rejection filed October 16, 2000 in the above-identified application.
4. A Petition for Extension of Time and Fee therefor has been or is being filed in the parent application Serial No. 09/120,044 to extend the time for action in the parent application until January 19, 2001.
5. Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending and has been granted a filing date, so as to make this application co-pending with said parent application. Please use all the contents of the parent application file wrapper, including the drawings, as the basic papers for the new application.
6. The fees to be charged are to be based on the number of claims:
 - a. remaining after entering enclosed Amendment.
 - b. entered in the parent application as of the date of its abandonment.
 - c. remaining after entering the Amendment After Final Rejection filed in the above-identified parent application.

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CALCULATION OF APPLICATION

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| | Number | Number Extra | Rate for Non-Small Entity | Basic Fee |
|---------------------------|--------|--------------|---|-----------|
| | | | TECH CENTER 1600/2900 | \$710.00 |
| Total* Claims | 24 | -20= 4 | x \$18.00 | \$ 72.00 |
| Independent Claims | 11 | - 3= 8 | x \$80.00 | \$640.00 |
| Multiple Dependent Claims | | | [] yes Additional Fee = \$270.00 [X] no Additional Fee = none | \$0 |

Filing Fee Calculation \$1,422.00

[] A statement claiming small entity status is attached or has been filed in the above-identified parent application and its benefit under 37 C.F.R. § 1.28(a) is hereby claimed. Reduced fees under 37 C.F.R. § 1.9(f) (50% of total) paid herewith \$ _____.

7. [X] A check in the amount of \$1,422.00 in payment of the CPA application filing fees is attached.

8. [] Charge fee to Deposit Account No. 13-4500. Order No. _____ A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

9. [X] The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application, including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency with the parent application, or credit any overpayment to Deposit Account No. 13-4500. Order No. 1758-4036US2. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

10. [X] Priority of application Serial No. 60/053,306 filed on July 21, 1997 in the USA is claimed under 35 U.S.C. § 119.

11. [X] The parent application is assigned of record to NORTH AMERICAN VACCINE, INC.. Recorded on February 7, 2000, Reel 010615, Frame 0674.

12. [] An assignment of the invention to _____ is attached along with the Assignment Recordation Form cover sheet.

13. [] A check in the amount of \$40.00 for recording the Assignment is attached.

* Includes all independent and single dependent claims and all claims referred to in multiple dependent claims. See 37 C.F.R. § 1.75(c).

14. The Power of Attorney was filed in the parent application.
15. A new Power of Attorney has been executed and is attached.

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Respectfully submitted,

MORGAN & FINNEGAN, L.L.P. TECH CENTER 1600/2900

Dated: December 21, 2000

By: Darryl H. Steensma
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Registration No. 43,155

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